

WEISS & WEISS  
ERIC WEISS, ESQ. (EW 2400)  
Attorneys for Plaintiffs  
1250 Central Park Avenue  
Yonkers, NY 10704  
(914) 375-0431

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

-----X

TOUGH CITY, INC. and SAMIR RAJPUT,

Civil Action 07 Civ. 06626 (NRB)

Plaintiffs,

v.

**AFFIDAVIT IN SUPPORT OF  
CERTIFICATE OF DEFAULT**

XENS, INC.,

Defendant.

-----X

STATE OF NEW YORK        )  
                                      ) ss.:  
COUNTY OF NEW YORK     )

ERIC WEISS, being duly sworn, deposes and says:

1. I am a partner in the firm of Weiss & Weiss, attorneys for plaintiffs, Tough City, Inc. and Samir Rajput, in the above-referenced matter and, as such, am fully familiar with the facts and circumstances of this matter.

2. That on August 7, 2007, plaintiffs served its Summons and Verified Complaint upon Xens, Inc., defendant in this matter. A copy of the Affidavit of Service was filed electronically with the Court on November 6, 2007.

3. Our office, to date, has not received any response from the defendant, Xens, Inc., to the Summons and Complaint, to plead or otherwise defend this action.

4. Defendant is not an infant, in the military, or an incompetent person.

5. Defendant was properly served with the Summons and Complaint pursuant to the Federal Rules of Civil Procedure.

6. Plaintiffs therefore request that the Clerk of the Court issue a Certificate of Default against the defendant, Xens, Inc., in this matter.

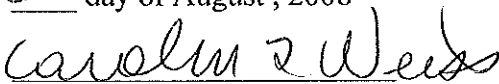
Dated: Yonkers, New York  
August 5, 2008



ERIC WEISS

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(914) 375-0431

Sworn to before me this  
5<sup>th</sup> day of August, 2008

  
Notary Public

tough.attyaff2

CAROLYN L. WEISS  
Notary Public, State of New York  
No. 62WE4002185  
Qualified in Westchester County  
Commission Expires February 24, 2010